IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13200 of 2004

Between:

Konuru Sand & Boat workers Coop. Society, rep.by its president, S/o.Venkata Subbaiah, R/o.Konuru Village, Achampeta Mandal, Guntur Dist.

..... PETITIONER

AND

1 The Govt. of A.P.,rep.by its Prl.Secty., Industries & Commerce Dept.,Secretariat, Hyderabad.
2 The Mandal Revenue officer, Jaggaiahpet Mandal, Krishna Dist.
3 The Superintendent of police, Krishna, Machilipatnam.
4 The Sub-Divisional police officer, nandigama, Station House officer, Chillakallu, Jaggaiahpet Mandal, Krishna Dist.
5 The Inspector of police, Chillakallu P.S.Jaggaiahpeta Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the action of the respondents in interfering with the stacking and transportation of sand in R.S.No.1 and R.S.No.7 of Vedadri Village, Jaggaiahpet Mandal, Krishna District as arbitrary, illegal, unjust and unconstitutional and consequently set aside the same and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:SMT.N.SHOBA

Counsel for Respondents 1 & 2: The Government Pleader for Mines and Geology

Counsel for Respondents 3 to 5: The Government Pleader for Home.

The Court at the stage of admission made the following Order:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

This writ petition has been filed seeking a declaration that the alleged action of the respondents in interfering with the stacking and transportation of sand in R.S.No.1 and R.S.No.7 of Vedadri village, Jaggaiahpet Mandal, Krishna District, as illegal and arbitrary.

In the counter filed by the Assistant Sub-Inspector of Police, Chilakallu Police Station, Krishna District, It is stated that the second respondent-Mandal Revenue Officer, Jaggaiahpet Mandal, Krishna District earlier issued proceedings on 21-07-2004, restraining the petitioner and six others from entering into the disputed land and carry out any sand operations, pending enquiry. However, subsequently the matter was considered in the light of the evidence placed before the second respondent by the respective parties and the proceedings initiated under Section 145 Cr.P.C. have been revoked through his proceedings dated 16-08-2004 and therefore, there is no embargo on the petitioner for stacking and transportation of the sand.

In view of the stand taken by the respondents 3 to 5 in the counter-affidavit, no adjudication is necessary on merits.

Accordingly, recording the statements of the respondents 3 to 5, the writ petition is closed. No costs.

01-09-2004

kdl

To

1 The Govt. of A.P.,rep.by its Prl.Secty., Industries & Commerce Dept.,Secretariat, Hyderabad.
2 The Mandal Revenue officer, Jaggaiahpet Mandal, Krishna Dist.
3 The Superintendent of police, Krishna, Machilipatnam.
4 The Sub-Divisional police officer, nandigama, Station House officer, Chillakallu, Jaggaiahpet Mandal, Krishna Dist.
5 The Inspector of police, Chillakallu P.S.Jaggaiahpeta Krishna Dist.

6 Two C.Cs. to the Government Pleader for Mines and Geology, High Court Buildings, A.P., Hyderabad, (OUT).

7 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad, (OUT).

8. Two C.D. Copies.

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